

REMARKS

Applicant is appreciative of the Examiner helpful explanation of various rejections. The claims have been amended accordingly. The objections of claims 12 and 13 might have been applied to other claims which have been similarly amended to claims 12 and 13, as inferentially suggested by the Examiner. That is, the claims have been amended in all cases to try to make it clear there is no table involved in a combination with the decorative table covering, but the covering is designed to cooperate with the table having a top of a specific size and shape. An effort was made to correct any inferential inclusion of the table or table top in some sort of a combination claim with the decorative covering. Of course, the Examiner will understand that since the decorative covering is decorative, it needs to be designed in each case to conform to the general shape of table tops on which it is intended to be used. It is not for use on a particular table top but on any table top of that shape and, of course, an appropriate size to allow some of the table top of the desired shape to be left exposed with the covering in place.

The Examiner by his allowance of two claims, appears to understand the decorative nature of the covering of the present invention. Although the applicant's invention, inevitably has certain features in common with the references. The decorative ties are not to be interpreted as a drawstring that pulls the table cover underneath the table to keep it in place. While the decorative ties may help to provide a conforming shape to the table covering so that it will tend to remain in the position on the table, pulling the ties tight under the table would defeat the decorative purpose. The ties are intended to be decorative themselves and to be seen and add color and style to a table setting. If the ties are not seen, the applicant's purpose is defeated and the decorative purpose of all the pieces of the table covering, including the ties, is what will make the table covering attractive and saleable, rather than any incidental, functional side effect that may be provided.

Rodebaugh et al., particularly as illustrated in Figures 2 and 18 and parts of the specification pointed out by the Examiner, shown and describe a functional drawstring table cloth. The drawstring is generally not exposed or, if incidentally exposed at some place, it is not intended to be decorative as such. It is simply an unadorned drawstring, the appearance of which will never attract potential buyers and make sales of the product as the applicant's

decorative combination is intended to do.

As is intended to be clarified by the amendments to claims, the fabric cover generally corresponds to the shape of a table top of selected shape and size. As suggested in the claim 1, and further as suggested in claim 2, the size of the covering is intended to be smaller and not extend to the edge of the table top for which it is designed to be used with the idea that the finish of the table top will be exposed for decorative purposes, or alternatively that some undercover, perhaps of a different type or color of fabric, will be exposed at least at the periphery of the fabric cover and will add interest and decorative effect to the table setting.

Rodebaugh has no decorative purpose at all. His is a functional combination of a peripherally arranged drawstring in a hem of a table covering which is intended to extend over the edges of the table so that the drawstring can be used to pull it beneath the edges of the table top and secure it in position so that it will be unable to slip off of the table or change position in any way.

Similarly, the claims rejected as being anticipated by Schaub et al., clearly distinguish from that patent as a decorative combination. Schaub has very cleverly designed a trash bag so that it can be used as a table covering and then disposable plates and utensils, as well as food intended to be disposed of, can be directly emptied into the bag as shown in Fig. 8. Schaub has double duty for his drawstring or tape both of which are entirely functional. The tape is positioned in a functional position dictated by slots 8 which effectively direct the drawstring 7 to a position below a table top so that it may double as a variation on the drawstring provided by the Rodebaugh. Both references unabashedly use their drawstring to secure the table covering to the table, and not for any decorative purpose. Once the trash is in Schaub's bag and the tape drawstring is removed from around the table top, it ceases its function of holding the part of the bag that functions as a table covering in place and instead draws the top of the bag together to keep the contents in the bag, and may allow for easy handling of the trash bag. Schaub has a number of variations which include different kinds of means of using the tape to secure the covering to a table as shown as underside views 18 and 19, for example. Certainly there is nothing decorative about this ingenious use of the tape in various functional ways. Both of these references keep the drawstring or tape within a predetermined path and in Schaub's case, to the extent that the drawstring shows, its exposure would probably never be considered decorative in any way.

Bonnet adds other functional uses for the covering or tarp or other functional structures which can be easily drawn up as shown in Fig. 6 to provide a bag for trash swept into it as shown in Fig. 4. Table cloth application has a variation but it is still totally functional, in that it permits again the conversion of the table cloth into a trash bag.

Some of the claims are rejected on the Neilson patent which is involved with a drawstring type structure, which is in his case used for a seat cover, even though it has extensions, they are not provided for aesthetic purposes, but for the very functional purpose of pulling the seat cover into conformity with the seat on a more complex structure than a simple table top. Neilson is covering a car seat but his purpose is to hold the seat cover in place and not to display a seat beneath the cover in any way or to provide any kind of special decorative effect using a decorative tie.

The Examiner seems to suggest that the applicant's "functional" purpose of decoration by providing means to enable attractive furniture, and specifically table tops or coverings therefor, to be displayed in various ways is not patentable. Admittedly, the applicant's purpose, like 3 out of 4 of the references, is partially to cover the top of the table. The applicant's decorative tie is claimed in that manner to make it clear that the claimed decorative tie is not intended primarily to hold the cover in place, nor is it a cover intended to protect the entire table top, nor does it have any secondary use as a bag to collect trash. The applicant's covering is purely decorative and its use will be in connection with fine furniture in order to show off the finish or to show another table covering, on top of which applicant's covering is placed for its visual decorative effect. That visual decorative effect is not at all on the minds of the inventors of reference and is not clearly even a secondary purpose of any of the references. While the applicant might have sought design protection which would also have been appropriate, the applicant is entitled to broader protection for a combination of related structural pieces which in themselves function together to produce an attractive combination which allows appreciation of the underlying table cloth or table finish. Such a combination in part should be entitled to a patent for its distinctive purpose just as all of the references have been granted patents for their particular distinctive purposes which turn out to be purely functional.

The rejection of claim 10 is unpatentable over each of three references is believed to be inappropriate and the Examiner is requested to reconsider such rejection. The references

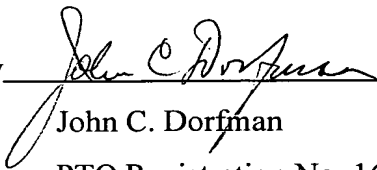
do not disclose the invention substantially as claimed.

The applicant appreciates the Examiner's recognition of allowable subject matter in claims 5, 8, 15 and 16 which have been left unamended pending reconsideration of the rejections as requested above.

The attorney for the applicant has amended the claims in order to give the Examiner an opportunity to consider a particular approach and amendment to more clearly distinguish over the cited art. It may be that the Examiner has views as to how claiming may be better approached. If so, the attorney for the applicant would be appreciative of any such ideas if the Examiner is inclined to reject the claims as amended. In such event, the attorney for the applicant would appreciate an informal call from the Examiner to set up an interview in which the client may participate, preferably by telephone.

Respectfully submitted,

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